

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGGORY LAWRENCE,

Plaintiff(s),

v.

STATE OF NEVADA, et al.,

Defendant(s).

Case No. 2:14-CV-1885 JCM (PAL)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Leen. (Doc. # 5). No objections have been filed, and the time for doing so has passed.

Plaintiff submitted a civil rights complaint under 42 U.S.C. § 1983. (Doc. # 1). Plaintiff did not file an application to proceed *in forma pauperis* or pay the \$400.00 filing fee. Judge Leen ordered plaintiff to file a completed *in forma pauperis* application or pay the fee by August 17, 2015. (Doc. # 2). The magistrate judge's order warned plaintiff that failure to comply with the order would result in a recommendation to the undersigned that this case be dismissed. (*Id.*)

Plaintiff did not comply with the court's order. Furthermore, plaintiff has changed his address without notifying the court in violation of LSR 2-2. (*See* doc. # 3). Failure to comply with LSR 2-2 may result in dismissal with prejudice. LSR 2-2. Judge Leen therefore recommends that the action be dismissed without prejudice. (Doc. # 5).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149

1 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See United*
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
4 employed by the district court when reviewing a report and recommendation to which no
5 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
6 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
7 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
8 objection to a magistrate judge's recommendation, then this court may accept the recommendation
9 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
10 magistrate judge's recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
13 recommendation and the record in this matter, this court finds that good cause appears to adopt the
14 magistrate judge's findings and recommendations in full.

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
16 recommendation of Magistrate Judge Leen (doc. # 5) be, and the same hereby are, ADOPTED in
17 their entirety

18 IT IS FURTHER ORDERED that the clerk shall file the complaint but shall not issue
19 summons.

20 IT IS FURTHER ORDERED that the complaint (doc. # 1) be, and the same hereby is,
21 DISMISSED without prejudice.

22 IT IS FURTHER ORDERED that the clerk shall enter judgment accordingly and close the
23 case.

24 DATED April 14, 2016.

25 
26 UNITED STATES DISTRICT JUDGE